

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

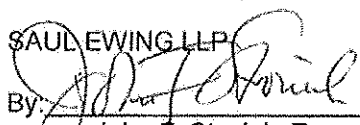
<p>NEW YORK STATE ELECTRIC &amp; GAS CORPORATION,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>FIRSTENERGY CORPORATION,</p> <p style="text-align: center;">Defendant.</p>	<p>Civil Action No.: 3:03-CV-0438 (DEP)</p>
<p>FIRST ENERGY CORPORATION,</p> <p style="text-align: center;">Third-Party Plaintiff,</p> <p style="text-align: center;">v.</p> <p>I.D. BOOTH, INC.; ITHACA CITY SCHOOL DISTRICT; CITY OF ITHACA, NEW YORK; and CITY OF ONEONTA, NEW YORK,</p> <p style="text-align: center;">Third-Party Defendants.</p>	

**STIPULATION AND ORDER DISMISSING ACTION**

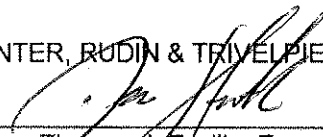
Third-party plaintiff FirstEnergy Corp. ("FirstEnergy") and third-party defendant City of Ithaca ("Ithaca") hereby stipulate and agree, through their respective counsel, that the above-entitled third-party action asserted by FirstEnergy against Ithaca is hereby dismissed with prejudice, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

Dated: December 6, 2010

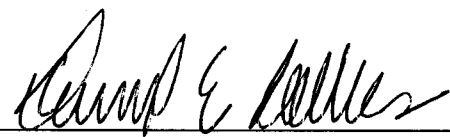
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IT IS SO ORDERED:

  
David E. Peebles  
U.S. Magistrate Judge

Dated: December 7, 2010